

REMARKS

Applicant respectfully requests further examination and reconsideration in view of the arguments set forth fully below. In the Office Action mailed on October 5, 2005, Claims 1-8 have been rejected. In response, the applicant has submitted the following remarks. Accordingly, Claims 1-8 are pending. Favorable reconsideration is respectfully requested in view of the remarks below.

Rejections 35 U.S.C. §102

Claims 1-4 have been rejected under 35 U.S.C. §102(e) has being anticipated by U.S. Patent No. 6,442,301 to Edgar (hereinafter Edgar). The applicant respectfully disagrees with this rejection.

Edgar teaches a method and apparatus for removing the effects of surface and near surface image storage media defects from a scanned image using an infrared record as a norming control (Edgar, abstract). Referring to Figure 3 of Edgar, Edgar accomplishes this by first setting the sequence of the array to zero by step 80 to begin the counting process. Next the image width and height are defined by step 82. As the levels of the array are increased, the width and height of the image are calculated as function of the levels in the array at step 84. This process is repeated as long as the width and height of the current level are not both equal to one as checked by condition 86. When the width and height of the image are both equivalent to one at decision step 88 thereby indicating a pyramid level consisting of a single pixel, the counting of the number of levels is completed and set by step 90. With this step 90, variable initialization is complete (Edgar, Figure 3, column 8, lines 7-24).

Figure 4 of Edgar goes on to describe in greater detail the pyramid building process. Figure 4 illustrates an original image that is downsized from an original 8x8 image 100, which in the first step is downsized to a 4x4 image 102. As stated in the Office Action, the sampling in Edgar leaves resulting pixels of the image in the same relative spatial configuration. In other words, Edgar utilizes a system and method of

sampling a **scanned image** in order to remove the effects of surface and near surface image storage media defects from a scanned image using an infrared record as a norming control. While it is stated in the Office Action that the recited intended use of physiological data being sampled would be considered an inherent function since the Edgar device is capable of transmitting photographs of people, ECGs, patient data, etc., which are all considered physiological data, Edgar does not teach sampling a first data **signal** including physiological data of a patient.

In contrast to the teachings of Edgar, the method of correcting for phase error induced by a down sampling routine teaches correcting a data **signal** sampled at a first rate to a data **signal** displayed on a video monitor at a second rate. The data **signal** that is received at a first rate is a **signal** including patient physiological data that is separated into data windows, wherein the minimum and maximum values and positions of data points in data windows are identified relative to a reference, and displayed on a video monitor. As described above, Edgar does not teach receiving a first data **signal** sampled at a first rate, wherein the first data **signal** includes physiological data of a patient, and a converter for sampling the first data **signal** at a second rate to generate there from a second data **signal** having data point such that the position of the data points relative to one another is approximately the same position as the data points had relative to one another in the first data **signal**.

The independent Claim 1 is directed to an apparatus comprising an input for receiving a first data signal sampled at a first rate, the first data signal including physiological data of a patient, and a converter for sampling the first data signal at a second rate generate there from a second data signal having data point such that the position of the data point relative to one another is approximately the same position as the data points had relative to one another in the first data signal. As described above, Edgar does not teach receiving nor converting a data **signal** including physiological data of a patient. Following, Edgar then does not teach a converter for sampling such data signals.

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For at least these reasons, the independent claim 1 is allowable over the teachings of Edgar.

Claims 2-4 dependent upon the independent Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings of Edgar. Accordingly Claims 2-4 are also allowable as being dependent upon an allowable base claim.

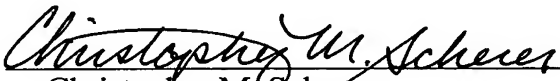
Rejections Under 35 U.S.C. §103

Claims 5-8 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Edgar. The applicant respectfully disagrees with this rejection. Claims 5-8 are dependent upon independent Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings of Edgar. Accordingly, Claims 5-8 are also allowable as being dependent upon an allowable base claim.

For these reasons, Applicants respectfully submit that all of the claims are now in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, they are encouraged to call the undersigned at 414-271-7590 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,

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